



SENIOR & LONG TERM CARE DIVISION COMMUNITY SERVICES BUREAU

COMMUNITY FIRST CHOICE Policy Manual

Section: SERVICE REQUIREMENTS

Subject: Personal Representative

Reference: ARM 37.40.1008

PURPOSE

The self-directed (SD) option to receive Community First Choice/Personal Assistance Services (CFC/PAS) allows a member to choose to take the responsibility or have a personal representative (PR) take the responsibility of managing CFC/PAS.

This policy outlines the criteria the provider agency must follow to allow a PR to direct services on a member's behalf.

CRITERIA

1. The provider agency is responsible to ensure that a PR meets the criteria outlined below and understands their roles and responsibilities in the SD CFC/PAS program.
2. SD CFC/PAS are available to cognitively impaired individuals, individuals under 18, and individuals under guardianship only when that individual has a qualified PR. A PR must be an individual who meets the following criteria:
 - a. Is a person who is directly involved in the daily care of the member;
 - b. Is immediately available to provide assistance when attendants don't show up or is able to immediately access back-up support to provide assistance to the member when an attendant doesn't show up;
 - c. Is available to assume the responsibility of managing the member's care, including directing the care as outlined in the SD CFC/PAS Personal Representative Agreement (SLTC-166); and
 - d. Is an individual who is at least 18 years old.

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3. The PR is required to direct the day-to-day care of the member; hire, fire, manage and train all attendants; and manage all paperwork, including service delivery records, Service Plans, etc. The PR must be immediately available to provide or obtain back up services in case of an emergency or when an attendant does not show. Additionally, the PR assumes all medical and related liability associated with directing the consumer's care.
4. If the member is under guardianship, the appointed guardian should act as the PR. If the guardian is not going to act as the PR the guardian must appoint another individual to assume the role of PR.
5. If the member is under 18, the PR should be a parent or another legally responsible family member.
6. If a PR determines they are unable to fulfill their role, a new PR must be appointed or the member must be discharged from the SD CFC/PAS program.
7. A PR is not eligible to receive reimbursement to fulfill their PR duties.
8. A PR is not able to be reimbursed to provide CFC/PAS services to the member they represent. A PR may act as a personal assistance attendant to another consumer.
9. A PR must sign the SD CFC/PAS Personal Representative Agreement (SLTC-166) prior to the initiation of services. Failure to abide by this agreement can lead to termination from the program.
10. A PR must be present on-site for authorization visits with Mountain Pacific Quality Health and at the initial and annual and recertification.
11. A PR may not be employed by an agency providing services to the member.
12. If an agency does not believe a PR meets any of the PR criteria the agency must provide appropriate follow-up, which may include completing a Compliance Tool and contact the Regional Program Officer.

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CHANGE IN PERSONAL REPRESENTATIVE

1. Permanent Change: If there is a change in PR the provider agency must complete the following:
 - a. New SD CFC/PAS Personal Representative Agreement;
 - b. Referral to Mountain Pacific Quality Health (MPQH) using the Referral Form (SLTC-154) to request an evaluation of the new PR's capacity.
2. Temporary Change: A temporary change in PR is only allowed for 28 days or less. When a PR temporarily leaves the area they are responsible for appointing someone to oversee the member's care in their absence. A temporary PR does not need to sign the SD CFC/PAS PR Agreement or go through a MPQH capacity assessment. The provider agency must document all temporary changes in PR in the member's case notes.